

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AUDLEY BARRANCO and EUGENE MCKIE,

Plaintiffs,

-against-

THE CITY OF NEW YORK and NICHOLAS  
LAGANO,

Defendants.  
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07 CV 3074 (BSJ)(GWG)

~~PROPOSED~~ SCHEDULING  
ORDER *SM*

PLEASE TAKE NOTICE that pursuant to Rule 26 of the Federal Rules of Civil Procedure the parties have agreed on the following discovery plan:

1. The date of the conference and the appearances for the parties; including the individual attorney's name, the law firm's name, the party(ies) represented, business address, and business phone number;

Date of Conference: August 2, 2007 at 10:30 a.m.

Attorney for plaintiffs: Jonathan Strauss  
233 Broadway, Suite 900  
New York, New York 10279  
(212) 792-7948

Attorney for defendants: Gabriel Harvis  
Assistant Corporation Counsel  
Office of the Corporation Counsel  
New York City Law Department  
100 Church Street, Room 3-188  
New York, New York 10007  
(212) 788-1816

2. A concise statement of the issues as they then appear;

Whether the defendants violated the plaintiffs' civil rights when they arrested them.

3. A proposed schedule including:
  - a. The deadline by which the parties may move to amend the pleadings or join any other party;

60 days from date of Initial Conference [October 1, 2007];
  - b. Dates for document requests, initial interrogatories and responses thereto;

60 days from date of Initial Conference for requests [October 1, 2007];

30 days from receipt of requests to respond;
  - c. The names of non-expert witnesses expected at this time to be deposed and either specific dates or a timetable for when depositions will take place;

5 months to subpoena non-expert witnesses for deposition from date of Initial Conference [January 2, 2008];

60 days from said subpoena to complete their deposition(s);
  - d. A date by which all non-expert discovery shall be completed;

6 months from date of Initial Conference [February 2, 2008];
  - e. Dates by which disclosures of the identities and reports of experts required by Rule 26(a)(2) will be made;

120 days from date of Initial Conference for disclosures of identities of experts and reports in chief [November 30, 2007];

150 days from date of Initial Conference for rebuttal reports [December 30, 2007];
  - f. The date by which depositions of experts shall be completed;

6 months from date of Initial Conference [February 2, 2008];

- g. The date by which pretrial motions, if any, will be filed; or if no such motions are contemplated, the date by which plaintiff(s) will supply pretrial order materials to defendant(s); and the date by which the parties will submit a joint pretrial order in accordance with procedures of the judge before whom the trial will be conducted; and

7 months from date of Initial Conference [March 2, 2008];<sup>1</sup>

4. A statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

Any relevant personnel, disciplinary and employment records of the defendant officers will be subject to a Stipulation of Confidentiality and Order of Protection.

5. A statement of those discovery issues, if any, as to which the parties, after a good faith effort, have been unable to reach an agreement;

None at this time;

6. Anticipated fields of expert testimony, if any;

None;

7. Anticipated length of trial and whether, and by whom, a jury has been requested;

Trial is expected to last 3-4 days; both parties have demanded a jury trial;

8. (a) An approximate date or stage of the case when the parties believe it would be most helpful to engage in settlement discussions;

After initial disclosures have been exchanged but prior to depositions;

- (b) Whether the parties would like to discuss settlement at such time under the supervision of a private mediator, a mediator from the SDNY Mediation Program, or the undersigned;

The undersigned;

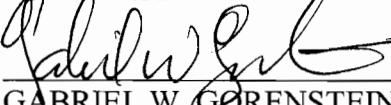
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<sup>1</sup> The parties shall follow the rules of the assigned District Judge with respect to any pre-motion conference, filing or other requirements for dispositive motions.

9. All discovery (including requests for admission and any applications to the Court with respect to the conduct of discovery) must be initiated in time to be concluded by the deadline for all discovery. Any contention that a party has not responded properly to a discovery request must be brought to the Court's attention immediately and in accordance with the Court's Individual Practices. Any application for an extension of the time limitations herein must be made as soon as the cause for the extension becomes known to the party making the application. The application must also state the position of all the other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of this Order. "Good Cause" as used in this paragraph does not include circumstances within the control counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions.

New York, New York  
August 2, 2007

SO ORDERED:

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge